

CITY OF DOVER ORDINANCE #2015-15

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-2 - Weapons Generally, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Sec. 70-2. - Weapons generally.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal Building shall mean any building where the city meets in its official capacity, including non-city owned or leased buildings during the time in which the city is meeting in or occupying the building, or any building containing the offices of city elected officials and of city employees actively engaged in performing governmental business. Parking facilities are excluded.

Weapon shall mean any firearm from which a shot, projectile or other object may be discharged, or any air gun, BB gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind, or any knife, brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(b) *Unlawful discharge.* It shall be unlawful for any person to discharge any firearm within the city, except lawfully in self-defense, in defense of property, in defense of others or as permitted in paragraph (c).

(c) *Lawful discharge.*

(1) *Law enforcement officers.* The discharge of weapons by any law enforcement officer while on duty, or as necessary in the lawful discharge of his or her duties, is permitted.

(2) *Galleries and ranges.* The discharge of weapons at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the projectile from traversing any grounds or space outside the limits of the gallery or range is permitted.

(d) *Prohibited.*

(1) *Business display.* It shall be unlawful for any pawnbroker, secondhand dealer or other person who engages in business in the city to display, or to place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm with a barrel of less than 12 inches in length, or any switchblade knife, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(2) *Furnishing to certain persons.* It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon to any person under the influence of any alcoholic beverage or any illegal narcotic drug, stimulant or depressant, any person in a condition of agitation and excitability or a minor under the age of 18 years.

(3) *Possession of firearms, ammunition, components of firearms, or explosives in municipal buildings.* Except as set forth in section (c) below, possession of firearms, ammunition, components of firearms, or explosives is prohibited in all municipal buildings.

- a. *Required Signs.* In all municipal buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may also state that persons in violation may be denied entrance to the building or be ordered to leave the building.
- b. *Immediate Departure.* Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.
- c. *Exceptions.* The following shall constitute valid exceptions to this section:
 1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;
 2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;
 3. Law enforcement agencies conducting firearm or ammunition safety and training programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;
 4. Compliance by persons subject to protection from abuse court orders;
 5. Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;
 6. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or
 7. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(e) *Penalties.*

- (1) *Fines.* Except as otherwise provided, any violation of this section shall be subject to a fine as provided for in Appendix F - Fees and Fines.
- (2) *Forfeiture.* Every person convicted of a violation of this section, section 70-3, or any state law relating to weapons shall forfeit the weapon to the city. Upon a finding of guilt, it shall then be the duty of the court, after the expiration of a reasonable time, to declare by written order that the chief of police shall either dispose of the weapon or retain the weapon for official police department use.

(f) *Severability.* The provisions of this ordinance shall be severable. If any provisions of this ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this ordinance shall remain valid, unless the court finds that the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

(Code 1968, §§ 20-29, 20-33—20-36; Code 1981, § 14-5)

BE IT FURTHER ORDAINED:

That Appendix F, Fees and Fines, (Chapter 70 - Offenses and Miscellaneous Provisions) be amended to read as follows:

Chapter 70—Offenses and Miscellaneous Provisions			
Sec. 70-1	Combative fighting		
	Subsec. (d)(1)	Violations; penalties, Fines	Not to exceed \$1,000.00. Separate fines may be issued to the promoter of such an event, participants in such an event, and the owner of the premises of such an event
Sec. 70-2	Weapons generally		
	Subsec. (e)(1)	Penalties; Fines	Not less than \$500, nor more than \$1,000
Sec. 70-7	Registered Sexual Offenders		
	Subsec. (f)	Penalties	\$500.00 for any offense; each day shall constitute a separate offense

ADOPTED: OCTOBER 26, 2015

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SYNOPSIS

This ordinance amendment harmonizes the Dover Code with the provisions of Article I, Section 20 of the Delaware Constitution.

(SPONSORS: HOSFELT AND HUTCHISON)

Actions History

- 10/26/2015 - Final Reading at City Council meeting
- 10/12/2015 - First Reading at City Council meeting
- 09/28/2015 - Introduced at Safety Advisory and Transportation Committee meeting